

**PHARMACY EXAMINING BOARD
MINUTES
MADISON, WI
September 10, 2002**

PRESENT: Cynthia Benning, R.Ph.; Michael Bettiga, R.Ph.; John Bohlman, R.Ph. (by telephone 1:30-4:00 pm); Georgina Forbes, Dan Luce, R.Ph.; Charlotte Rasmussen, and Susan Sutter, R.Ph.

STAFF PRESENT: Deanna Zychowski, Bureau Director; William Black, Legal Counsel; Gina York, Program Assistant; and Division of Enforcement staff for portions of the meeting.

GUESTS: Larry Edwards, Department of Corrections; Jill Bimh, UW School of Pharmacy, Karen Merrill, Osco Drug; Brenda Carmady, Osco Drug; Paul S, Women's International; Elizabeth Anan, Woman's International; Mark Zwaska, Oconomowoc.

CALL TO ORDER

Sue Sutter, Chair, called the meeting to order at 9:04 a.m. A quorum of members was present.

AGENDA

Additions/Changes to the Agenda:

- ◆ Item B: Add presentation for application regarding Brian Ridgley, R. Ph.
- ◆ Item D: Add as D1. Central Fill and D2. New HFS 157 Possible Subcommittee
- ◆ Item G: Add as G1. Pamida Pharmacy #46 and G2. Steu's Pharmacy G3. Tahmeena Siddiqui
- ◆ Item Mc: Add as Mc1. Request for a three month stay - Paul Nelson, R. Ph.
- ◆ Item S: Add as S1. Licensee's filing late – Kris Hendrickson
- ◆ Item T: Add as T1. Regulatory Digest
- ◆ Item U: Add as U1. Letter to U.S. Secretary Tommy G. Thompson

MOTION: Charlotte Rasmussen moved, seconded by Dan Luce, to approve the agenda as amended. Motion carried unanimously.

DEPUTY SECRETARY GREG HORSTMAN

Deputy Secretary Greg Horstman provided an update to the Board regarding the Budget Advisory Committee's meeting and status of the current budget. Mr. Horstman shared that the Department would like the Boards to continue dialogue regarding resources and improvements desired. Further informational updates will be provided as the budget process continues.

MINUTES OF AUGUST 20, 2002

Corrections to the Minutes:

- ◆ On page 3 of minutes: Under “Oxygen Update” change the word “language” to “statute change”
- ◆ On page 3 of minutes: Under “Administrative Warnings and Procedures” change the word “administered” to “issued” and change “respondent” to “credential holder”
- ◆ On page 3 of minutes: Under “Streu’s Pharmacy” add after information “on variance for no compounding equipment and the technician ratio.
- ◆ On page 7 of minutes: Under “Request for A Re-Hearing” change “available” to “present”
- ◆ On page 7 of minutes: Under “Review Requests for Stay Imposition of Assessed Cost, Fines, Fees, Forfeiture, Reprimands and other Sanctions” change “available” to “present”

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the minutes of August 20, 2002, as amended. Motion carried unanimously.

PROPOSED STIPULATION

Jim Harris, Division of Enforcement, presented the proposed Stipulation in the matter concerning Kindred Pharmacy Services. This matter will be deliberated on in Closed Session.

Jim Harris, Division of Enforcement, present the proposed Stipulation in the matter concerning Ann Moore, R.Ph. This matter will be deliberated on in Closed Session.

WI STATUTES AND ADMINISTRATIVE RULES

WI ADMINISTRATIVE CODE, PHARM 2.02 (SCOPE STATEMENT TO REPEAL)

This has been tabled to the next Board meeting.

CENTRAL FILL

William Black provided revisions of the Central Fill language to the Board. These revisions were reviewed and discussed at length. Mr. Black with do another draft dealing with Central Fill and the HCF changes for the next Board meeting.

NEW HFS 157.13 AND POSSIBLE SUBCOMMITTEE

The Board had a lengthy discussion regarding the HFS 157.13. The Board felt it was necessary to develop a subcommittee to deal with this topic. The subcommittee would consist of Board members, Mr. Hammes, Health and Family Services and interested parties to arrange a meeting for Oct. 7, 2002 if possible.

MOTION: Michael Bettiga moved, seconded by Charolette Rasmussen, to have a subcommittee with Susan Sutter, Dan Luce and Mr. Hammes to meet with Health and Family Services and interested parties. Motion carried unanimously.

NABP/MPJE FEE INCREASES

Informational.

CORRESPONDENCE RELATING TO GHB

This is being worked on by Cynthia Benning.

BUDGET COMMITTEE

Susan Sutter shared information regarding the last DRL Service and Budget Committee held on August 28, 2002. There was a policy advisor of the Governor present. A priority and impact rating was given to each of the identified items that the committee had suggested and the number of staff needed to provide such services. There was also a review of fees as compared to other states. At this time no other meetings have been planned until after the requested budget goes to DOA.

PHARMACIES LATE RENEWALS

Kris Hendrickson shared materials with the board gathered on Pharmacies Renewal and licensee's filing late as well as the late fee involved. Ms. Hendrickson will continue to run the report for the Board to monitor non-compliance. Also the list of Distributor/Pharmacies that have expired on 5/31/02 was provided to the Board for review. Ms. Hendrickson will do an internal check to confirm the status of distributors and pharmacies on this report.

VARIANCE REQUEST

STREU'S PHARMACY (GREEN BAY)

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant Streu's Pharmacy (Green Bay) the variance request regarding the technician ratio to be 1:6 only for the closed pharmacy. Motion carried unanimously.

REVIEW OF FORMAL PHARMACY APPLICATION FORMS

Kris Hendrickson met with the Board and reviewed 8-26-02 revisions of the current application and licensure forms. Kris Hendrickson will have a re-draft for review at the next Board meeting.

REVIEW OF DISTRIBUTOR/MANUFACTURE'S APPLICATION FORMS

Kris Hendrickson met with the Board and reviewed a draft of the Distributor/Manufacturer's application forms.

REVIEW OF THE FORMAL PHARMACIST'S APPLICATION FORMS

Kris Hendrickson met with the Board and reviewed a draft of the Formal Pharmacist Application forms and instructions. The Board recommended a checklist format rather than the one currently being used to simplify the instructions to applicants.

REMODEL APPLICATION FORM

The Board reviewed the draft with Kris Hendrickson and has approved the Remodel Application Forms.

ADJOURN TO CLOSED SESSION

MOTION: Susan Sutter moved, seconded by Charolette Rasmussen, to allow Mark Zwaska to observe the Closed Session. Motion carried unanimously.

MOTION: Cynthia Benning moved, seconded by Charolette Rasmussen, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85(1)(a)(b)(f) and (g), to review applications; deliberate on requests for stay of suspensions, modification of orders, reinstatements of stay of suspensions, proposed stipulations, case closings, and administrative warnings; review exam issues; and, consult with Legal Counsel. Roll Call Vote: Charlotte Rasmussen-yes; Michael Bettiga-yes; Dan Luce-yes; Cynthia Benning-yes; Georgina Forbes-yes; Susan Sutter-yes. Motion carried unanimously.

Open session recessed at 11:44 p.m.

RECONVENE TO OPEN SESSION

MOTION: Charolette Rasmussen moved, seconded by Dan Luce, to reconvene the meeting into Open Session at 2:55 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

REVIEW REQUEST FOR LICENSURE

PAMIDA PHARMACY (#46)

MOTION: Dan Luce moved, seconded by Georgina Forbes, to grant a license to Pamida Pharmacy (#46) Kewaunee, WI. Motion carried unanimously.

REQUEST FOR APPLICATION REVIEW

BRIAN RIDGLEY, R.Ph.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to deny the application of Brian Ridgley unless he completes the recommendations of the chemical dependency assessment. Motion carried unanimously.

STIPULATIONS

ANN MOORE, R.Ph. (OSHKOSH)

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to reject the Stipulation in the matter of Ann Moore and recommend modifications. Motion carried unanimously.

KINDRED PHARMACY SERVICES

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to reject the Stipulation in the matter of Kindred Pharmacy Services and recommend modifications. Motion carried unanimously.

REQUESTS RELATING TO STAYS OF SUSPENSIONS AND/OR MODIFICATIONS

MARK ANDERSON, R.Ph.

MOTION: Cynthia Benning moved, seconded by Charolette Rasmussen, to grant Mark Anderson the following modifications, to allow an increase up to 16 hours and allow to open or close the pharmacy but no consecutive days. Motion carried unanimously.

COREY FORD, R.Ph.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to grant Corey Ford a three-month stay of suspension. Motion carried unanimously.

WILLIAM KARWOSKI, R.Ph.

MOTION: Cynthia Benning moved, seconded by Charolette Rasmussen, to grant William Karwoski a three-month stay of suspension . Motion carried unanimously.

RALPH KOCH, R.Ph.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant Ralph Koch a three-month stay of suspension. Motion carried unanimously.

JEFFREY LANGFORD, R.Ph.

MOTION: Michael Bettiga moved, seconded by Dan Luce, to ask Jeffrey Langford for a more detailed description outlining procedures taken for risk management. Motion carried unanimously.

JAMES MEYER, R.Ph.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant James Meyer a three-month stay of suspension. Motion carried unanimously.

PAUL NELSON, R.Ph.

MOTION: Dan Luce moved, seconded by Charolette Rasmussen, to grant Paul Nelson a three-month stay of suspension. Motion carried unanimously.

MICHAEL O'KRAY, R.Ph.

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to grant Michael O'Kray a three-month stay of suspension. Motion carried unanimously.

ANDREW RICE, R.Ph.

MOTION: Georgina Forbes moved, seconded by Charlotte Rasmussen, to grant Andrew Rice a three-month stay of suspension with modifications to increase 4 more hours as pharmacist-in-charge and allow to open or close the pharmacy but not consecutively. Michael Bettiga abstained. Motion carried unanimously.

THOMAS TRISCARI, R.Ph.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant Thomas Triscari a three-month stay of suspension with modifications to reduce therapy to one time per month; and increase work time from 12 hours to 16 hours. Motion carried unanimously.

CHARLENE WILLIS, R.Ph.

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant Charlene Willis a three-month stay of suspension. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

QUINTRON INSTRUMENT COMPANY

MOTION: Michael Bettiga moved, seconded by Dan Luce, to issue an administrative warning in the matter of Quintron Instrument Company. Motion carried unanimously.

02 PHM 078

Cynthia Benning withdrew the administrative warning for 02 PHM 078.

CYNTHIA TROBENTAR, R.PH.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to issue an administrative warning in the matter of Cynthia Trobentar, R.Ph. Motion carried unanimously.

REQUEST TO TAKE EXAMINATION

TAHMEENA SIDDIQUI

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to allow Tahmeena Siddiqui to take the Patient Consultant Examination in October 2002, for a third time. Motion carried unanimously.

CASE CLOSINGS

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to close the case **02 PHM 017** for no violation. Motion carried unanimously.

MOTION: Dan Luce moved, seconded by Michael Bettiga, to close the case **02 PHM 047** for prosecutorial discretion. Compliance gained. Motion carried unanimously.

EXAMINATION ISSUES

CASEY BROWN

The Board would like to review the process for certification of exam scores and the licensing process with Barb Showers at the next Board's October meeting.

REGULATORY DIGEST

Susan Sutter is prepared articles for the Regulatory Digest and items were reviewed by the Board. Revisions will be made as discussed.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga , to make the revisions as reviewed and submit for publication. Motion carried unanimously.

INFORMATIONAL ISSUES

The Board noted the information items.

Screening Panel - There was also a brief discussion regarding the Screening Panel and ways to try and move the cases through the process as efficiently as possible.

The Board reviewed and discussed the letter sent by Susan Sutter, Board Chair to U.S. Secretary, Tommy Thompson regarding the importation of prescription drugs.

ADJOURNMENT

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 3:03 p.m.